

Hello Michael,

Please include my comments below in the official record for consideration by City Council.

Thank you,  
Lou Kvitek

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My name is Lou Kvitek. I am President of the Silver Creek Valley Community Organization representing 3,000 homes in southeast District 8. I served as a member of the original Evergreen Visioning Project, and as a member of the City Council's Evergreen East Hills Vision Strategy (EEHVS) Task Force.

A premise of the proposed development has always included a developer contribution of approximately \$90Million for improvements to Highway 101. This, along with other traffic improvements, is necessary to mitigate the traffic impact of the proposed development. The developers have long agreed to pay these costs.

Recently, a state highway bond measure was passed which will likely make available some funds to make many improvements to the section of Highway 101 affected by the EEHVS development. The City of San Jose should aggressively pursue these funds. Any funds that are secured mean a corresponding release of funds dedicated by EEHVS developers for the same improvements.

I would like to advocate that these released funds be committed to 2 objectives:

- 1) One third of these funds should be used to fund additional projects on the Task Force amenities list.
- 2) Our schools are in dire need of additional funding for capital improvements. I request that the remaining two-thirds of the funds be distributed to the impacted school districts as follows:
  - 2a) Match the impact fees due East Side Union High School District
  - 2b) Use the remaining portion to evenly match the impact fees due the impacted Elementary Districts: Evergreen Elementary and Franklin McKinley Elementary.
  - 2c) If any extra funds exist after this matching, they should be given to East Side Union High School District for capital improvement projects.

Thank you for your consideration about distribution of this important source of funds for the community and our schools.

Regards,  
Lou Kvitek  
President, SCVCO  
[www.scvco.org](http://www.scvco.org)

-----Original Message-----

**From:** Jim F Zito [mailto:[zitojf@appliedbiosystems.com](mailto:zitojf@appliedbiosystems.com)]

**Sent:** Friday, December 01, 2006 4:56 PM

**To:** Prevetti, Laurel

**Cc:** Horwedel, Joseph; Gurza, Renee

**Subject:** Re: Clarification

Hello Laurel -

In reviewing the November 8th synopsis, the discussion of Mr. Dhillon's friendly amendment stating "Any excess units from the opportunity sites should go to the pool"; my interpretation of "excess units" would mean, for example, that if an opportunity site was allocated 1000 units, and only 950 were built, then the "excess" 50 would be added to the pool; making the pool 550 units instead of 500. In my opinion, this is the only interpretation that can be adequately substantiated and reasonably implemented.

Otherwise growing the total number of units on properties other than the four opportunity sites, is arbitrary and unpredictable.

This is the understanding under which I voted my approval of the package. Any other interpretation which would grow the overall number of potential units would not be acceptable to me, and I would have voted in the negative for the motion. Please include this as part of the public record.

Thank You -

Jim Zito, Planning Commissioner

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